

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases.

Judith E. Levy
United States District Judge

_____/

This Document Relates To:

Bellwether II Cases

_____/

**JOINT STIPULATION REGARDING SCHEDULING ORDER FOR
BELLWETHER II TRIAL**

Bellwether II Plaintiffs and Defendants Veolia Water North America Operating Services, LLC, Veolia North America, Inc., and Veolia North America, LLC (the “VNA Defendants”), Leo A. Daly Company, Lockwood Andrews & Newnam, P.C., and Lockwood Andrews & Newnam, Inc. (the “LAN Defendants”), hereby stipulate and agree to extend certain pre-trial deadlines in the Scheduling Order for the Bellwether II Trial (ECF No. 2310) as follows:

Event	Current Deadline	Proposed Deadline
Plaintiffs shall serve all outstanding Plaintiff Fact Sheets and revised Authorizations.	January 7, 2023	January 7, 2023

Event	Current Deadline	Proposed Deadline
Defendants serve deficiencies in the Plaintiff Fact Sheets.	January 20, 2023	January 20, 2023
Deficiencies in the Plaintiff Fact Sheets shall be cured.	February 3, 2023	February 3, 2023
Plaintiffs' and Defendants' counsel shall simultaneously identify twenty (20) plaintiffs each for a total of forty (40) plaintiffs comprising Pool Two. Defendants may serve written discovery on the Pool Two Claimants immediately upon the selection of the forty (40) Pool Two group of bellwether plaintiffs. ¹	February 24, 2023	February 24, 2023
Deadline for Pool Two Claimants to fully respond to all written discovery, including providing any additional requested waivers for medical or other information.	April 7, 2023	June 26, 2023
Counsel for Plaintiffs and counsel for Defendants shall each identify seven (7) claimants from among the Pool Two Claimants who will be engaged in further discovery ("Pool Three Claimants"). ² If there is overlap between the Pool Three Claimants initially	April 27, 2023	July 31, 2023

¹ All rights and limitations concerning individual discovery as set forth in CMO 5 (ECF No. 1255) pertaining to Bellwether I shall also apply to Bellwether II. *See* ECF No. 1255 at 62-64.

² Defendants must receive satisfactory discovery responses and resolve any disputes regarding Pool 2 discovery 21 days prior to Pool 3 selection.

Event	Current Deadline	Proposed Deadline
identified by the two sides, selection of additional Pool Three Claimants shall proceed in the manner described in the CMO until a total of fourteen (14) have been selected.		
Defendants may begin noticing home inspections and testimonial depositions of the Pool Three Claimants and witnesses in accordance with CMO 5 (except that depositions may be noticed 15 days in advance of taking them).	April 28, 2023	August 1, 2023
Merits discovery complete for Pool Three Claimants.	July 27, 2023	October 26, 2023
Plaintiffs to provide expert disclosures and reports. The Plaintiffs shall include in the disclosure three dates on which each expert is available for deposition within sixty (60) days of the disclosure. All plaintiffs alleging personal injuries must be available for Rule 35 examinations starting ten (10) days after plaintiffs' expert disclosures and reports are served.	July 28, 2023	October 27, 2023
Defendants to provide expert disclosures and reports. The Defendants will include in the disclosure three dates on which each expert is available for deposition within sixty (60) days	October 27, 2023	January 26, 2024

Event	Current Deadline	Proposed Deadline
of the disclosure.		
Plaintiffs to provide expert rebuttal reports.	December 8, 2023	March 8, 2024
Defendants to provide expert rebuttal reports.	January 19, 2024	April 19, 2024
Reply expert report depositions.	January 22 to 29, 2024	April 22 to 29, 2024
The parties to each identify two (2) plaintiffs, for a total of four (4), to continue to Pool Four. ³	February 16, 2024	May 17, 2024
Motions for Summary Judgment and Daubert Motions filed.	March 29, 2024	June 28, 2024
Responses to the Motions for Summary Judgment and Daubert Motions due.	May 10, 2023	August 9, 2024
Replies to the Oppositions to Motions for Summary Judgment and Daubert Motions due.	June 7, 2024	September 6, 2024
Hearing on Daubert Motions and Summary Judgment.	TBD	TBD
Motions in Limine due.	14 days after summary judgment order	14 days after summary judgment order
Oppositions to the Motions in Limine due.	Three weeks after the opening briefs	Three weeks after the opening briefs

³ Defendants must receive satisfactory discovery responses and resolve any disputes regarding Pool 3 discovery 21 days prior to Pool 4 selection.

Event	Current Deadline	Proposed Deadline
Replies in support of the Motions in Limine due.	Two weeks after the response briefs	Two weeks after the response briefs
Designations of deposition testimony to be played/read to the jury due.	7 days after the order on the motions in limine	7 days after the order on the motions in limine
Counter-designations and objections to the designated testimony due.	7 days after the designations	7 days after the designations
Objections to the counter-designated deposition testimony due.	7 days after the objections	7 days after the objections
Deadline for submitting deposition designations matrices and highlighted transcripts to the Court.	Minimum of two weeks before witness will be called at trial	Minimum of two weeks before witness will be called at trial
Plaintiffs to serve Defendants with draft Pre-Trial Order (witness lists, exhibit lists, trial briefs, jury instructions and other similar pretrial filings required by the court due).	TBD	TBD
Defendants to serve Plaintiffs with objections and responses to the witness lists, exhibit lists, trial briefs, jury instructions and other similar pretrial filings required by the court due and engage in meet and confer.	TBD	TBD
Parties to submit Final Joint Pretrial Order	TBD	TBD

Event	Current Deadline	Proposed Deadline
Parties to submit Voir Dire questions, proposed preliminary Jury Instructions	TBD	TBD
Hearing date for Motions in Limine and deposition designations; final Pre-Trial hearing regarding witness lists, exhibit lists, trial briefs, jury instructions, and other pretrial filings	TBD	TBD
Trial date.	September 10, 2024	TBD

Dated: May 2, 2023

Respectfully submitted,

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